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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,434	03/21/2001	Krister Svanbro	34645-00525USPT	4079
27045	7590	11/03/2004	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,434

Applicant(s)

SVANBRO ET AL.

Examiner

Prenell P Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/15/02 & 10/7/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 2 and 5 are provisionally rejected under the judicially created doctrine of double patenting over claim 1 of copending Application No. 09/814,407. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Although the conflicting claims are not identical, they are

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not patentably distinct from each other because the combined limitations of claims 1, 2 and 5 of the current Application are ascertained in claim 1 of U.S. Patent Application 09/814,407.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Carr.

Regarding claims 1-5 and 11-15, Carr (Abstract, Figures 1 & 6, col. 3, line 14-55) discloses a packet based data compression method wherein packet/message data is communicated between a transmitting device and a receiving device whereby the architecture includes the compression and expansion/decoding of packet data/messages, compression dictionary (context information), dictionary tables are created for all packet headers, separate dictionary tables are created for each user-data portion for enabling better compression, (Figure 4 & 5), col. 4, line 49 thru col. 5, line 52, col. 6, line 7-25, line 33-63) plurality of compression tables are employed, TCP header portions as well as higher level packet formats of packets/messages are received, employment of Ethernet packets/messages which includes an internet protocol/IP header fields, and decoder/decompressor is required at the receiving end to proceed through

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the same process as performed at the transmission end which includes the updating of dictionaries/context information associated with reformatting packet, dictionaries are at both ends (transmit and receive) of the communicating system, and (col. 7, line 13 thru 10, line 30), and also associated with the compression method, messages in sequence are transmitted, header information and other packet information is match with context information as associated in dictionary tables are updated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-10 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Le (US Pat 6,300,887).

Regarding claims 6-10 and 16-22, as indicated above, Carr (Abstract, Figures 1 & 6, col. 3, line 14-55) discloses a packet based data compression method wherein packet/message data is communicated between a transmitting device and a receiving device whereby the architecture includes the compression and expansion/decoding of packet data/messages, compression dictionary (context information), dictionary tables are created for all packet headers, separate dictionary tables are created for each user-data portion for enabling better compression, (Figure 4 & 5), col. 4, line 49 thru col. 5, line 52, col. 6, line 7-25, line 33-63) plurality of compression tables are employed, TCP header portions as well as higher level packet formats of packets/messages are received, employment of Ethernet packets/messages which includes an

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internet protocol/IP header fields, and decoder/decompressor is required at the receiving end to proceed through the same process as performed at the transmission end which includes the updating of dictionaries/context information associated with reformatting packet, dictionaries are at both ends (transmit and receive) of the communicating system, and (col. 7, line 13 thru 10, line 30), and also associated with the compression method, messages in sequence are transmitted, messages are associated with conversation (session), header information and other packet information is match with context information as associated in dictionary tables are updated. However, Carr is silent on routing transmit/receive messages via channel pairs. In the field of data compression, Le (US Pat 6,300,887) discloses (Abstract, Figure 2, col. 3, line 56 thru col. 5, line 35) handoff procedures for header compression wherein the architecture includes communicating packet data in a mobile environment that includes communicating packets (messages) between a source and destination (mobile terminals), wherein there is a compressor/decompressor (network entity/ANI_AD) at the source and at the destination, each network entity includes a compressor context information and decompressor context information, packets are routed via downlink/uplink (channel pairs), packets are transmitted (compressor) on the downlink and received (decompressor) on the uplink, (col. 11, line 3 thru col. 15, line 30) packets having headers of first and second order, packets are compressed on downlink channel and decompressed on the uplink channel, identifiers are associated with the packets which is a sequence number and identification number of packet which last updated the decompression context information and updated context information is stored by second entity, (col. 7, line 26 thru col. 10, line 16) method of transferring context information of headers transmitted in the downlink and transmitting packets from the compressor wherein context information is updated and sequence numbers are associated with packets as they are updated, thereby representing the packets with sequence numbers identifying the packets, and (col. 2,

line 43-59) packet identification is incremented with updates and as packets are transmitted with packet sequence number, the packet sequence number is associated with session sequence. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement transmitting/receiving messages on separate channels (channel pairs) as taught by Le in an efficient handoff of compression data with the teachings of Carr for the purpose of communicating coherent and efficient packet data as associated in a data compression system which utilizes context/dictionary for coding data.

Regarding claims 21 and 22, as indicated above, Le (US Pat 6,300,887) discloses (Abstract, Figure 2, col. 3, line 56 thru col. 5, line 35) handoff procedures for header compression wherein the architecture includes communicating packet data in a mobile environment that includes communicating packets (messages) between a source and destination (mobile terminals), wherein there is a compressor/decompressor (network entity/ANI_AD) at the source and at the destination, each network entity includes a compressor context information and decompressor context information, packets are routed via downlink/uplink (channel pairs), packets are transmitted (compressor) on the downlink and received (decompressor) on the uplink, (col. 11, line 3 thru col. 15, line 30) packets having headers of first and second order, packets are compressed on downlink channel and decompressed on the uplink channel, identifiers are associated with the packets which is a sequence number and identification number of packet, which represents the last packet updated as associated with decompression context information and updated context information is stored by second entity, (col. 7, line 26 thru col. 10, line 16) method of transferring context information of headers transmitted in the downlink and transmitting packets from the compressor wherein context information is updated and sequence numbers are associated with packets as they are updated, thereby representing the packets

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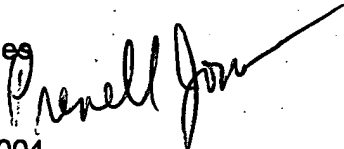
with sequence numbers identifying the packets, and (col. 2, line 43-59) packet identification is incremented with updates and as packets are transmitted with packet sequence number, the packet sequence number is associated with session sequence. Le further discloses (col. 4, line 1-65) second entity receiving at least one packet at a time with its identifying sequence number and associated session as mention above, and decompressing at second entity with stored context information, and snapshots of context information of first entity and second entity are transferred between entities to update context information associated with packet data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones



October 30, 2004